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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/441,729
Filing Date: November 16, 1999
Appellant(s): BLOCH ET AL.

Brian J. Pangrle
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/10/2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1, 3-6, 14, 16-19 and 2, 7-13 and 15 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,790,794	DuLac et al.	08-1998
5,206,929	Langford et al.	04-1993
5,414,808	Williams, Marvin L.	05-1995
6,201,924	Crane et al.	03-2001
5,982,364	Beckwith, Timothy John	11-1999
5,682,326	Klingler et al.	10-1997
5,956,716	Kenner et al.	09-1999
6,005,600	Hill, Ralph D.	12-1999

(10) Grounds of Rejection

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,206,929 to Langford et al. in view of U.S. Patent No. 5,790,794 to DuLac et al. This rejection is set forth in a prior Office Action, mailed on 4/7/2004.

(11) Response to Argument

The Langford reference discloses a post-production offline editing system (See Figure 2), which is used to generate an edit list of frames from multiple sources (Col. 4, Lines 39-57) through the use of a computer interface (Col. 5, Lines 4-5) using software (Col. 6, Lines 56-68) to create "in" and "out" markers for various video clips (Col. 7, Lines 1-20) in order to create a video production. In effect, segments from multiple video sources are composited together to form a complete video. Langford further contemplates the use of magnetic disk drives (Col. 16, Lines 24-29) that store digitized video data as a replacement a video recorder or laser disc player. Referring to Figure 2, the video source (50) is separate from the edit controller (30), connected by a transmission line. Referring to Figure 9, the graphical user interface of the edit control as presented to the user illustrates the scene tracker software and associated controls.

The DuLac reference discloses a system for storing and playing videos (See Figure 3) over a communication network (See Figure 2). A client machine (54), such as a workstation (Col. 4, Lines 15-16), requests video content from a video server (52). The video server is operable to deliver a number of video streams simultaneously over the network (Col. 4, Lines 63-67). DuLac further discloses the importance of maintaining a continuous transmission of data at the proper pace such that the playback is uninterrupted for the user (Col. 9, Lines 42-46).

Appellant's first argument states that Langford contemplates only providing a video signal from a bank of video tape or laser disk players directly to a monitor, and does not disclose, teach, or suggest that the workstation be included in the display loop (Page 11, Lines 26-29). Regarding Appellant's argument, the Examiner refers to Figure 9 of Langford, which as discussed above, teaches the graphical user interface of the edit control software. In addition to

video editing controls, windows (140-145) are displayed on the user interface of the edit computer. Each window displays the frames of video from the various sources (Col. 9, Lines 48-52). Langford clearly teaches that the workstation is included in the display loop due to the fact that the video signals are provided to the workstation (edit controller 30) in order to be displayed on the graphical user interface. Referring to Figure 2, the only path from video source (50) to monitor (35) is through the edit controller (30). This precludes the possibility of providing video directly to the monitor without including the workstation in the loop. Further, the Examiner points out that Appellant has not claimed the argued "display loop".

The second issue deals with Appellant's argument that Langford simply does not teach playing media data stored over a data network, but instead teaches operation of a video tape or video disk player to send a video signal to a video monitor (Page 12, Lines 1-5). The Examiner points out that Langford teaches a video editing controller that requests and receives video data from a remote source, including digitized data on a magnetic disk drive (Col. 16, Lines 24-29). Langford clearly teaches playing media data stored on a remote device (50). DuLac is relied on for teaching of the data network (56) connecting the remote device (52) with the workstation (54). In combination, the remote device of DuLac is the magnetic disk storage of Langford and the workstation of DuLac is the edit controller of Langford. Therefore, in combination, Langford in view of DuLac clearly teach playing media data stored over a data network.

The third issue deals with Appellant's argument that Langford does not disclose a single rendering capability for the workstation, but only teaches rendering at the video tape or video disk players (Page 12, Lines 10-22). Regarding Appellant's argument, the Examiner refers to the definition of "rendering" as stated in the previous Office Action mailed 04/07/2004, which was

"To convert (Graphics) from a file into visual form, as on a video display." Langford clearly teaches displaying the stored video data on a computer screen as shown in Figure 9. Further, Langford discloses that the video data may be stored on a magnetic disk drive as stated above. Therefore, the act of communicating video data stored on a disk drive (50) for display on a computer (30) monitor (35) in a window (140-145) of a graphical user interface clearly reads on the claimed rendering.

Appellant's fourth argument deals with lack of motivation one of ordinary skill in the art would have to combine the teachings of Langford and DuLac and arrive at the claimed subject matter because Langford pertains to edit control of video signals from video tape or disk players and DuLac pertains to VCR type commands for VOD (Page 12, Line 24 – Page 13, Line 18). The Examiner points out that Langford discloses the use of video signals from a magnetic disk drive remote from the processor as stated above and DuLac discloses the use of video signals on a client from a remote server as stated above. The video source storage of Langford (50) is remote from the edit controller computer (30) and connected via a bi-directional connection such that commands may be transmitted from the controller and data received. As stated above, DuLac is concerned with the storage and playback of video data over a network between a client and a server. In terms of Langford, the client is the edit controller (30) and the server, that is, the video source, is the remote disk drive (50). In combination, the communication network (56) of DuLac would simply be the transmission line between the edit controller and remote disk drive of Langford as shown in Figure 9.

DuLac discloses that the video server may service two or more user systems at the same time (Col. 7, Lines 1-7) and that the invention allows for scalable implementations (Col. 11,

Lines 59-64). It would have been obvious to one having ordinary skill in the art at the time the invention was created that Langford and DuLac both teach a client retrieving video data from a remote storage device over a transmission line, and as such, the references are analogous art. Further, as was well known at the time of invention, utilizing a video server to service multiple clients, as demonstrated by DuLac, is highly advantageous as it allows a single, scalable system to supply data to multiple clients as opposed to requiring each client to have massive, costly, and subsequently redundant storage locally.

Appellant's fifth argument states that there is no evidence of record to indicate a reasonable expectation of success because the Langford reference pertains to edit control of video signals from tape or disk players and the DuLac reference pertains to VCR type commands for VOD (Page 13, Lines 20-30). As stated above, the Examiner has clearly indicated how Langford teaches transmitting digitized video data from a disk to a remote editing computer. DuLac clearly teaches transmitting video data from a server to a remote computer over a network. The invention of DuLac is not constrained to any particular embodiment such as video on demand, although it may be used in such an environment. Referring again to the Figure 2 of Langford, it can be seen how a remote disk (50) is connected to a workstation (30). Referring to Figure 2 of DuLac, it can be seen how a remote video server (52) is connected to a workstation (54) through a network (56). In combination, the network (56) of DuLac would simply by interposed between Langford's disk (50) and workstation (30). As both inventions deal with the transmission of video from a remote storage device to a workstation, the art is highly analogous and as a result, combination is proper.

To further illustrate that this combination was well known in the art at the time of invention, the Examiner refers to U.S. Patent No. 5,852,435 to Vigneaux et al. who teaches a digital video editing system (See Figure 3) using a video server (210) to provide video assets to a plurality of editing workstations (110 and Col. 5, Lines 22-32) over a network (400). There is no doubt whatsoever that the benefits of using a video server to provide data to video editing systems over a network was well known at the time of invention and subsequently, the Examiner contends that sufficient motivation to combine Langford and DuLac exists and that there is reasonable expectation of success.

Appellant's sixth argument states that Langford does not teach or suggest a server, but relies instead on video tape or video disk players (Page 15, Lines 4-13). Appellant further states that Langford does not contemplate a device for transmission of digital media data for subsequent rendering (Page 15, Lines 4-13). As stated above, Langford clearly discloses digitized video data stored on magnetic disk drives (Col. 16, Lines 24-29). This reads on the device for transmission of digital media data for subsequent rendering (see response to third argument above). Further, such remotely accessible digitized data on a disk reads on the claimed server, since data is served to the edit controller. Also, the DuLac reference clearly teaches the use of a server (See Figure 1) for transmitting video data (Col. 3, Lines 40-41).

Appellant's seventh argument states that the DuLac reference is directed to video commands and in particular, "virtual VCR commands" and is therefore un-related to the instant invention (Page 15, Lines 15-24). The Examiner has fully addressed Appellant's lack of motivation to combine arguments above. DuLac teaches an apparatus for storing and playing back videos from one or more servers to a plurality of user systems (Col. 3, Lines 35-44) such

that a number of streams may be delivered simultaneously (Col. 4, Lines 64-67). DuLac also contemplates maintaining continuous transmission of data at a proper rate (Col. 9, Lines 41-46). The system of DuLac is not constrained to one specific embodiment as Appellant is suggesting, but contemplates many different uses for a client/server video transmission network (Col. 3, Lines 60-65). Further, DuLac does teach virtual VCR commands, in addition to video playback and video storage/management functions (Col. 6, Lines 40-47) but this does not preclude the invention of DuLac being operable to function in the video-editing environment of Langford. On the contrary, such playback, virtual VCR and storage/management functions are quintessential to video editing as disclosed by Langford (Col. 11, Lines 19-43 and Figure 9, 100 and 101). Therefore, the Examiner maintains that the DuLac reference is highly relevant and combination is proper.

Appellant's eighth argument states that one of ordinary skill in the art would not have a reasonable expectation of success at arriving at the claimed subject matter because there is no component or group of components of the DuLac reference that could be used to transform the system of Langford (Page 15, Line 26 – Page 16, Line 9). The Examiner has fully demonstrated how the inventions Langford and DuLac are analogous and can be combined with a reasonable expectation of success as stated above. Both pertain to transmission and reception of video data from a remote digital video source to a workstation.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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January 10, 2005

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